

[Submitting counsel below]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION**

No. 3:23-md-03084-CRB

**DECLARATION OF SARAH R. LONDON  
IN SUPPORT OF PLAINTIFFS' MOTION  
TO ENFORCE PTO NO. 5 RELATED TO  
GOVERNMENT INVESTIGATION  
DOCUMENTS**

This Document Relates to:  
  
All Cases

Judge: Honorable Lisa J. Cisneros  
Date: February 22, 2024 or at the Court's  
earliest convenience  
Time: 3:00pm  
Via Zoom Videoconference

I, Sarah R. London, declare and state as follows:

1. I am an attorney in the law firm of Lieff Cabraser Heimann & Bernstein, LLP, appointed Co-Lead counsel for Plaintiffs in the above-captioned Multi-District Litigation. I am a member of the State Bar of California and am admitted to practice before this Court. I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein.

2. I submit this Declaration in support of Plaintiffs' Motion to Enforce PTO No. 5 regarding Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC's (collectively "Uber") failure to produce documents and privilege logs previously produced to legislative, regulatory, or enforcement entities in connection with government investigations or inquiries within the United States of Uber with respect to sexual assault, including attempted assaults.

3. Between December 6, 2023 and December 21, 2024, the parties engaged in discussions regarding discovery related to government investigations or inquiries of Uber within

1 the United States with respect to sexual assault, including attempted assaults. During these  
 2 discussions, Uber made no meaningful argument as to why such discovery should not occur here,  
 3 nor did they propose any limitations to this discovery.

4 4. On December 28, 2023, this Court issued Pretrial Order 5, requiring Uber to  
 5 produce to Plaintiffs, all documents Uber produced to legislative, regulatory, or enforcement  
 6 entities in connection with government investigations or inquiries of Uber within the United  
 7 States with respect to sexual assault, including attempted assaults...and any associated privilege  
 8 logs. Dkt. 175. During a January 19, 2024 Case Management Conference, Uber represented to the  
 9 Court that it was collecting documents responsive to the Court's directives in Pretrial Order 5,  
 10 would be producing documents on a rolling basis, and endeavored to complete production by the  
 11 January 31, 2024 deadline imposed by Pretrial Order 5. A true and accurate copy of the transcript  
 12 of the January 19, 2024 Case Management Conference is attached hereto as **Exhibit A-1**.

13 5. On January 31, Uber produced five documents totaling 62 pages, related to four  
 14 governmental entities. The production included a single document related to each entity, with the  
 15 exception of two letters to Senator Richard Blumenthal. The production did not include any  
 16 privilege logs. Further, although the documents produced are all in the public domain, Uber  
 17 marked each page of the production as "confidential." Uber then removed the confidentiality  
 18 designation and re-produced the documents on February 2, 2024, but only after Plaintiffs objected  
 19 to the "confidential" designations. Among the documents produced is a Settlement Agreement  
 20 between the CPUC, Uber, and RAINN related to fines and penalties imposed on Uber for its  
 21 refusal to produce data and information to the Commission, and a motion to adopt such  
 22 agreement. A true and accurate copy of the Settlement Agreement document, stamped Bates No.  
 23 UBER-MDL-3084-000000323-358, is attached hereto as **Exhibit A-2**. This document indicates  
 24 that Uber has produced internal policies, procedures, practices, and data pertaining to the  
 25 reporting and investigation of sexual assault and sexual misconduct to the CPUC. Those  
 26 productions to CPUC do not appear to have been produced here.

27 6. On February 7, 2024, Plaintiffs' counsel met and conferred with Uber's counsel  
 28 regarding Uber's insufficient governmental related document production and Uber's failure to

1 abide by PTO No. 5. Uber's counsel did not identify any additional investigations on the meet  
2 and confer, but instead insisted that Plaintiffs' counsel provide a list to Uber of all governmental  
3 investigations they have discovered through publicly available information. As Plaintiffs'  
4 counsel pointed out during the meet and confer, Uber is unquestionably well aware and best  
5 positioned to identify all governmental investigations or inquiries of the company related to  
6 sexual assault that occurred to date. Uber's counsel stated it would provide additional  
7 supplemental information regarding governmental investigations by February 9.

8 7. On February 8, 2024, Uber produced an additional set of documents. While the  
9 documents covered 930 pages, hundreds of those pages were the Raliance Report, Uber's 2019  
10 and 2021 Safety Reports, the CPUC taxonomy, and various Uber public documents such as their  
11 Community Guidelines, Technology Services Agreement, Terms of Use Agreement, Platform  
12 Access Agreement, Privacy Policy, Non-discrimination Policy, and Service Animal Policy. Only  
13 one of these documents was clearly related to an inquiry by a governmental entity—the  
14 Massachusetts Department of Public Utilities. The production did not include any privilege logs.  
15 A true and accurate copy of the cover letter accompanying Uber's February 8, 2024 document  
16 production is attached hereto as **Exhibit A-3**.

17 8. Public reports indicate numerous governmental investigations regarding Uber and  
18 sexual assault that are not identified in the documents Uber has produced to date.

19 9. A true and accurate copy of the document stamped Bates No. UBER-MDL-3084-  
20 000000359-614, produced by Uber on February 2, 2024, is attached hereto as **Exhibit A-4**.

21 10. A true and correct copy of a February 8, 2024 meet and confer Letter from Uber to  
22 Plaintiffs is attached hereto as **Exhibit A-5**.

23 11. A true and accurate copy of an order granting the plaintiffs' motion for fees, costs,  
24 and sanctions in the case, *Richards et al v. Uber LLC, et al*, Superior Court, King County,  
25 Washington, No. 19-2-16858-7 (Mar. 11, 2020), is attached hereto as **Exhibit A-6**.

26 12. A true and accurate copy of the transcript of the November 3, 2023 Case  
27 Management Conference is attached hereto as **Exhibit A-7**.

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